

GENERAL NOTICE

NOTICE 444 OF 2015

REVISED NOTICE OF CLARIFICATION

DEPARTMENT OF TRADE AND INDUSTRY

1. By virtue of the powers vested in me in terms of sections 9(1) and 14 (2) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2013) as amended by Act No. 46 of 2013, I, Rob Davies, Minister of Trade and Industry, hereby:
 - (a) Confirm that the Amended Codes of Good Practice (Notice 1019, Gazette No 36928 of 11 October 2013 as amended by Notice 403, Gazette No 38765 of 6 May 2015) will come into effect on 1 May 2015.
 - (b) Clarify that all B-BBEE verifications in respect of a financial year ending on or before 30 April 2015 can be conducted using the old Codes of Good Practice (Notice 112, Gazette No 29617 of 9 February 2007); and all B-BBEE verifications in respect of a financial year ending after 1 May 2015 must be conducted using the Amended Codes of Good Practice, with the exception of the Sector Codes.
 - (c) Further extend the transitional period for the alignment of Sector Codes to 30 October 2015. From 1 November 2015, Sector Codes that are aligned shall be effective in accordance with paragraph (b) of this Notice. Consideration shall be given to repealing any Sector Codes that are not aligned and ready for gazetting by 30 October 2015.
 - (d) Determine that during the inaugural year of the Amended Codes of Good Practice, all valid B-BBEE certificates issued under the old Codes of Good Practice, as well as the relevant Sector Codes, should remain valid and should therefore be accepted and treated as conferring empowering supplier status. In respect of EME (Exempted Micro Enterprises) certificates which were issued without Empowering

Supplier status, the interpretation stated in the Amended Codes of Good Practice clause 3.3.1, Amended Code Series 400 Gazette No 36928 will be applied, which states that “Exempted Micro Enterprises and Start-Ups are automatically recognised as Empowering Suppliers.”

2. Notice 396 of 2015 published in Government Gazette 38764 of 5 May 2015 is hereby withdrawn.



Dr ROB DAVIES, MP

MINISTER OF TRADE AND INDUSTRY

DATE: 12/5 /2015
